Mr. S. C. MALLIAH then said that in that case he would be satisfied with requesting the President to deal with the question in all its aspects in giving his ruling.

REPRESENTATIONS—*contd.*

No. 79.—Increasing the representation of Muslims in the higher cadres (teaching staff) of the University.

Mr. T. M. SABJU SAB (Kadur-Tarikere-Koppa-Narasimharajapura - Sringeri, Mahomedan—Rural).

Mr. T. M. SABJU SAB prayed that, as the representation of the Muslim community in the University was very meagre, Government be pleased to appoint more Muslims to the teaching staff, especially in the higher cadres of the service, offering better and more attractive terms to them than at present.

The MINISTER for EDUCATION (Mr. J. Mahomed Imam) stated that the existing grades were by no means discouraging and that the prospects of those in the higher cadres of the service were attractive enough. He added that whenever Muslim candidates with requisite qualifications were forthcoming, their claims were being considered.

Mr. Khaji SYED YUSUF SAHIB enquired whether there were any Muslims in the higher cadres at all, though he agreed that there were a few in the lowest cadre.

Mr. J. MAHOMED IMAM pointed out that one Muslim gentleman was an Assistant Professor.

Mr. Khaji SYED YUSUF SAHIB pointed out that that was only for teaching Persian. He said that there was not even one Muslim for teaching other subjects.

Mr. J. MAHOMED IMAM replied that there were some in the lower cadres and that as chances arose they would get the benefit of the higher cadres.

Mr. Khaji SYED YUSUF SAHIB represented that it would take not less than 20 to 30 years for them to get promotion to the higher cadres and suggested that, as in the case of probationers in the Revenue Department, Muslim lecturers be appointed in the lower cadre to begin with, and promoted to the higher cadre, provided, of course, they had the requisite qualifications.

Mr. J. MAHOMED IMAM pointed out that lecturers could not be likened to probationers in other departments. The posts in the higher (professorial) cadres could be filled in by promotion when vacancies occurred. If at the time such vacancies arose, Muslim lecturers with suitable qualifications were available in the lower cadre, their cases would surely be considered on merits

Mr. SHAIK AHAMED SAHEB wanted to know whether a Professor of Urdu had been appointed.

Mr. J. MAHOMED IMAM replied that the question was under consideration.

Dr. S. P. CHINNAPPA observed that formerly only persons passing very high in the Civil Service Examination were being appointed in the higher cadres of Government service, on the ground that only in that way could the best available brains be secured. But latterly, probationers were being nominated and even these were acquitting themselves as efficiently as any others. He, therefore, thought that even in the University the system of nominating probationers might be adopted with advantage. It was not necessary to strictly adhere to the rule that only those with very high academical qualifications should be selected to the professorial cadres. If selection was based on too high a standard, many lecturers belonging to backward communities would have no chance of promotion at all. After all, there might not be very much to choose as between a B.Sc. and an M.Sc., though the latter degree was certainly a higher one. On the other hand, it might so happen that a B.Sc. might be even superior to an M.Sc. in certain respects. So, making promotions to higher cadres entirely dependent upon very high academical qualifications would sometimes be neither fair nor desirable. He therefore suggested that a certain percentage of posts in the higher cadres be reserved for nomination of applicants from backward communities, even if they were not the most brilliant of the applicants.

Mr. A. N. RAMA RAO said that he was not a little suprised that, of all persons, Dr. Paul Chinnappa who had gone abroad

and taken a doctorate and who was connected with the University closely enough, should have ever advocated a lowering of the standard of selection for the professorial cadres in the University.

Mr. ABDUL KHADER suggested that preference must be shown to the claims of Muslim graduates if they had the requisite qualifications.

Mr. J. MAHOMED IMAM replied that it would not be possible to accept the suggestion but that each case would have to be considered on its own merits.

No. 88.—Abolition of grazing fee.

Mr. N. APPANNA REDDY (Bangalore South—Rural).

Mr. N. APPANNA REDDY represented that the fees levied at present for cattle-grazing in State forests be abolished.

The CHIEF CONSERVATOR of FORESTS (Mr. C. Abdul Jabbar) replied that the present rates were sufficiently low. They were levied not so much to realise revenue as to conserve and control grazing facilities. State forests were not meant, normally, to be thrown open for free grazing. As a matter of fact, grazing in the forests was an offence under the forest rules. Moreover, sufficient concessions were already being shown to the villagers in respect of grazing their cattle. They were offered the lumpsum grazing system which practically reduced the incidence of the levy by one-half and doubled the grazing period. This was a substantial concession by itself and it had been shown in addition to the privileges conceded at the time of settlement of every forest. Besides, free grazing was also permitted in times of drought. From the statistics available, it was noticeable that 20 per cent of the cattle were allowed to graze in State forests under concession. For all these reasons, he thought that it was not desirable to abolish the grazing fee.

Mr. T. THIMMARAYAPPA represented that free grazing might be permitted at least in those places where there were no plantations.

Mr. C. ABDUL JABBAR replied that no distinction could be made as between one place and another place, and any concession shown to a particular village must in fairness be shown to all the other villages. In the interest of conservation of forests, he was of the opinion that the request could not be complied with. And he wondered why, after all, members should press for free grazing in State forests alone when sufficient facilities were available in other forests.

No. 90.—Abolition of toll on fuel carts.

Mr. V. L. CHAME GOWDA (Kankanhalli—Rural).

Mr. V. L. CHAME GOWDA prayed that the toll levied at present on fuel carts be abolished.

Mr. T. THIMMARAYAPPA, in supporting the representation, invited attention to the discussion on questions Nos. 79 and 80 in the Dasara Session of the Assembly during October 1937 which related to the same subject and in reply to which the then First Member of Council had given an assurance that the question would be sympathetically considered. He pointed out that villagers were not making any large profit by selling fuel but very slightly supplemented their source of earning so that they might be able to provide some necessities of life. After the Government took over the management of toll-gates, all tolls except that on fuel carts had been abolished. He requested that the levy of toll on fuel carts also be abolished as it was weighing heavily on poor agriculturists.

Mr. M. SUBBIAH also supported the representation and added that sometimes the amount realised by a villager by selling fuel in a town or city did not even cover cart hire, so that the villager could not afford to pay any toll at all. If, therefore, the toll was not abolished, he was afraid that the residents of towns and cities would be considerably handicapped for want of fuel, which was an article of daily necessity.

Mr. H. P. BASAPPA said that he had also sent up a resolution (No. 66) on the same subject and requested that Government's reply to it also might be given in connection with the present representation.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) replied that the question was under the active consideration of the Road Classification Committee. He added, however, that abolition of toll on fuel carts was dependent on the committee deciding as to which of the interior toll-gates should be continued and which not, and also on the rates to be levied in future. Unless it could be decided that toll should be levied only at the frontier toll-gates, this question was bound to be difficult of solution. Secondly, it was impossible to distinguish, as pointed out several times in the past, whether a cart laden with fuel was meant really to be used by the raiyat for his own domestic consumption or for purposes of sale and profit. For these reasons, he stated that for the present at any rate, the prayer could not be accepted. He, however, added that the attitude of Government was that income from tolls levied at interior gates might be forgone in case the income from tolls levied only at the frontier toll-gates could be improved substantially.

No. 92.—Supply of timber from forests to Depressed class families for building purposes.

Mr. KHEERYA NAIK (Depressed Class).

Mr. JATHARE NAIK, who moved the representation, stated that under the existing practice, each depressed class family was allowed the concession of obtaining from forests building materials up to the value of Rs. 15. But due to poverty, many of them, situated hundreds of miles away from forest area, could not procure even bullock carts for conveying the materials to their places of residence. Consequently, the concession was in no way benefiting them. He therefore prayed that in lieu of this concession, the depressed class families residing at a distance of 20 miles and more from the nearest forest, be paid cash grants or in the alternative, arrangements be made to deliver the required timber and other materials at the residence of the parties concerned, so that the benefit of the generous intentions of Government might really accrue to the poor families under reference.

Mr. M. HANUMANTHIAH supported the representation and requested that the value of the concession be increased to Rs. 25 and that, in lieu of forest produce, either a cash grant or Mangalore tiles up to the said value be given. He regretted that these concessions, for which depressed classes were praying for about 15 years past, had not been granted by the Government yet.

Mr. M. C. CHELUVIAH represented that timber materials available on Government *banjar* lands be given to depressed classes, for building purposes, in case State forests were far away from their places of residence.

The PRESIDENT replied that, as a general proposition, it did not seem feasible to give cash grants, but it was possible to give building materials from the neighbouring forests, as had been done in many cases. The alternative arrangement suggested in the representation, namely, delivery of materials to the parties at their doors, was also not practicable, as the cost of felling, cutting and transporting them would naturally be considerable.

No. 93.—Issue of licences by Amildars permitting *hiduvalidars* to remove trees from their lands.

Mr. M. B. GURULINGIAH (Closepet—Rural).

(*Not taken up as the mover was not present.*)

No. 97.—Facilities to the sericultural industry.

Mr. G. AHMED KHAN (Mysore—Mahomedan—Rural).

The PRESIDENT read out a letter received from Mr. G. Ahmed Khan, requesting him to permit Mr. S. N. M. Razvi to move the representation standing in his name, and stated that he had granted the permission asked for.

Mr. S. N. M. RAZVI then represented that reelers of Channapatna, Closepet, Mugur and such other centres depended upon silk reeling for their maintenance, that they were still following the old method of reeling by means of charka and as a result thereof, the cottage silk industry could not make any progress,

He prayed that Government be pleased to give all possible help and encouragement to them for adopting up-to-date methods of reling. He added that to some extent this would also solve the unemployment problem.

Mr. ABDUL RAHIM SHERIFF pointed out that the joint-stock company at T.-Narsipur had monopolised the reeling industry and consequently local silk reelers at the places mentioned in the representation had lost their hereditary occupation and were undergoing untold difficulties. He requested the Government to run the concern themselves instead of continuing it as a joint-stock concern any longer.

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V. Anantaraman) observed that the joint-stock company consisted after all of local people.

Messrs. Khaji SYED YUSUF SAHIB and **S. I. MUMTAZ** also supported the representation **Mr. MUMTAZ** added that if only the reelers could be enabled to avail themselves of improved methods of reelings, they could make a very much better living.

Mr. K. V. ANANTARAMAN replied that it was the object of Government that all silk produced in the State should be of the best quality possible. With that object in view, he said that all possible encouragement was already being given to the industry and Government would continue to give similar encouragement in future also.

No. 100.—Starting Sugar Factories in important irrigated areas.

Mr. N. RAMA RAO (Large Industries).

Mr. N. RAMA RAO represented that agriculture was the main occupation of the people of malnad. A number of irrigation works were in existence in that tract and it was understood that some more were under contemplation. Taking full advantage of those works, the raiyats in the malnad tracts could grow sugar-cane if only adequate facilities were created for them, similar to those created in the Irwin Canal area, so that they might make large profits. In this view, he prayed that Government be pleased to start sugar factories of appropriate size in the several important irrigated areas, beginning with one at Shimoga. He anticipated that an objection might be raised to the effect that the sugar manufactured might not find a ready sale and proceeded to meet the objection by saying that before starting the Mandya Sugar Factory also the same objection had been advanced but it was now found that all the sugar manufactured there was finding a very ready market. Similarly, he thought there would be no difficulty in finding a sale for sugar manufactured at Shimoga too.

On behalf of the members from Shimoga District, **Nawab SHER KHAN** (of Honnali Family) expressed gratitude to. Mr. Rama Rao for raising this question. As a matter of fact, this question was being urged for many years past at taluk and district conferences. He thought that there could be no doubt about the possibilities of the industry in the malnad and therefore about the benefits accruing therefrom to the raiyats in that tract. So, if the Lakkavalli, Tungabhadra and other projects which were under contemplation were actually taken up, they would make for the prosperity of the malnad raiyat. For this reason, he said that all the raiyats of the Shimoga District were unanimously of the opinion that this representation was worthy of the most sympathetic consideration at the hands of the Government.

Mr. Bhupalam R. CHANDRASEKHA RAYYA observed that if only a factory was started at Shimoga, all the demand from the Bombay Presidency and from Northern India could be met by it, while the factory at Mandya could meet the demand from the Madras Presidency. There was no reason to fear that the demand for Mandya sugar would fall. There was also plenty of fuel available in the malnad for the additional factory suggested. And if that was started and worked, molasses also could be made use of by the Paper Mills at Bhadravati. He had gathered that a plant capable of manufacturing 400 tons could well be installed immediately. On previous occasions when similar representations were made, the Government were saying that until some practical experience of

the working of the Mandya factory was gained, it would be too early to think of starting factories elsewhere. Now that that factory had proved to be a success, another factory could easily be started at Shimoga in the interests of he State as a whole.

Mr. R. M. SIDDAPPA pointed out that the contribution and water-rate levied from the raiyats of Malavalli Taluk who held lands under the Irwin Canal were very high. As they were growing only paddy, they could not afford to pay assessment at the existing rates. If, at least, a sugar factory was started in Malvalli Taluk, the raiyats there could grow sugar-cane, get a better return from their lands and pay the assessment easily. He, therefore, prayed that the question of starting a factory at Shimoga be held in abeyance and that of starting one in the Malvalli Taluk taken up first.

Mr. B. R. PUTTANANJAPPA stated that he had come to know that in Australia, for want of sufficient quantity of molasses, all the sugar manufactured in excess of actual demand was being converted into molasses for purposes of manufacturing power alcohol. There was thus a possibility of developing subsidiary industries even if a large number of sugar factories were started. He, therefore, thought that there need be no hesitation on the part of the Government to start one other factory at Shimoga.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) explained the position in regard to starting additional sugar factories. In the first place, the price of sugar-cane in Northern India being very low, all sugar produced in Mysore had to be sold at competitive rates. On that basis, the factory would have to work for 8 to 9 months in the year. To feed the factory for that period it was necessary to have a minimum of 5,000 acres of cane. Secondly, it was essential that the cane area must be within a reasonable distance from the factory itself. Otherwise, the concern could not work profitably. Also if the cane was older than a certain period, the yield would be poor and the sugar itself could not sell at competition rates with those of imports from Northern India. Shimoga, therefore, was not considered very promising from these points of view. The irrigational and railway facilities available at or near Shimoga were not adequate enough to enable a factory there to satisfy those conditions.

There was, however, an alternative proposal before Government, namely, the manufacture of crystal sugar as a cottage industry in that district, specially in view of the fact that excise duty was not leviable on such sugar. Government would examine that question carefully, also bearing in mind the representation now before the House.

With reference to the suggestion of some members that there were great possibilities of starting a sugar factory in view of the probability of the Lakkavalli project, the Bhadra Left Bank Canal and the Tungabhadra projects being taken up in the future, he said that those again were questions for future consideration and that nothing definite could be said about them just at present.

With reference to Mr. Puttananjappa's suggestion that if the factory was started at Shimoga more molasses would become available with which additional quantities of power alcohol could be manufactured as a subsidiary industry, **the MINISTER** said that that in itself was all right as an argument. But even at the Mandya factory it had become difficult to utilise all the available molasses to manufacture alcohol due to non-availability of the required plant owing to war conditions. So, while there were some advantages to be derived by starting another factory, there were many difficulties and disadvantages also. For these reasons, he thought it was not feasible to accept the representation, at any rate, just at present.

Mr. SHER KHAN asked whether a factory would be started in the Shimoga District at least when the required plant became available, after the war.

Mr. A. V. RAMANATHAN replied that the question would have to be considered in the light of conditions then existing.

Mr. Bhupalam R. CHANDRASEKHARAYYA enquired whether, in the meanwhile, Government would give the necessary facilities at least for those desirous of starting cottage industries, for the manufacture of crystal sugar.

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V. Anantaraman) replied in the affirmative, and said that that was relatively easy.

No. 103.—Introducing uniform weights and measures throughout the State.

Mr. K. SHAMA IYER (General).

Mr. K. SHAMA IYER commended the action of the Government in introducing the Weights and Measures Act in the State so early as 1902, even before some other Governments thought of similar legislation. The intention of the Act was laudable but it had not been brought into force in all parts of the State. It was now in force only in about 43 places. The need for its extension was keenly felt in all other places. Ragi was measured, for purposes of large scale purchases and sale, in terms of candies of 640 seers per candy at Bangalore, while in Davangere, it was measured in terms of *pallas* of 100 seers per palla. Similarly for cotton seeds, oil, etc., different weights and measures were adopted in different parts of the State. As a result of these variations, ignorant people were being deceived in respect of both weighment or measurement and prices, because they were unable to compare the prices in the existing condition. Introduction of uniform weights and measures in all parts of the State was thus a matter of urgency.

In British India, weigh had been substituted for measurement in the case of almost every article, as measurement always involved more time and labour. The same system might, with advantage, be adopted throughout the State. The use of seamless measures merely at places of shandies held in the State had not made for the convenience of the ignorant raiyats. There was no doubt that the enforcement of the provisions of the Act all over the State would involve very heavy expenditure on account of staff and equipment. But he hoped that it could be met out of the revenue derived from the sale of the standard weights and measures and from fines realised from those who transgressed the provisions of the Act.

Messrs. H. KRISHNAMURTHY ACHAR and **K. L. NAGABHUSHANA BHATTA** brought to notice that for making purchases, wholesale dealers, used weights of 48 seers per maund, for articles like jaggery, tamarind, etc., while they sold the same articles at 40 seers per maund. They also substituted *kolagas* measuring 16 seers for *kolagas* of 8 seers which were originally in use. Thus the raiyats were at a loss to know either the prices which their produce would fetch in a particular market or even the weights and measures that would be employed for purposes of their transactions. This would be put an end to only by the enforcement by the Government of uniform weights and measures throughout the State for purposes of both purchase and sale of all agricultural products.

Mr. S. RAMAPPA represented that sometimes when the prices offered by consumers were not to their satisfaction, retail merchants were in the habit of using pound and half-pound weights and passing them off for seer weights. Such merchants should be punished as ignorant people were thereby deceived to the extent of 4 tolas for every seer of article purchased. He also stressed that a maund should be defined as meaning 40 seers and a *kolaga*, as 8 seers in every part of the State.

The PRESIDENT at this stage, made a suggestion, that unless there was anything new to be said for or against a particular representation under discussion only the mover concerned might speak on it.

Mr. T. M. KHAN, in further supporting the representation, mentioned that so far as Tumkur District was concerned, the maund weight was always taken as 48 seers and *mandi* merchants made purchases from raiyats on that basis and sold the articles in the bordering taluk of Hindupur where a maund was equivalent to 40 or 44 seers, and made huge profits at the cost of the ignorant raiyats. That sort of profiteering, he

said, could be prevented only by standardising the maund weight.

Mr. N. CHANNAPPA was of opinion that unless the Market Act was also enforced alongside of the Weights and Measures Act, the raiyat could not derive the full benefits of the latter legislation. Even the Weights and Measures Act was put into force only in certain notified areas, and not in big shandies like those of Mavathur and Huliyar. The District Board of Tumkur had passed a resolution and framed a bye-law on that point in 1923 and Government also had approved of them, but so far they had not been given effect to.

Mr. S. VENKATASAMI GOWDA said that he had known cases of merchants using mere bits of iron rails or girders in place of certified weights and sometimes quantities up to 50 or 55 seers were being taken as weighing only one maund. He therefore requested the Government to take some effective action on an uniform basis in all parts of the State to put down such mat practices on the part of merchants.

Mr. Bhupalam R. CHANDRASEKHARAYYA said that standard weights and measures would be advantageous from the point of view of transactions within the State, but they could not apply to transactions beyond the borders of the State. This was a question affecting the whole of South India and it was desirable that some understanding was arrived at in consultation with the neighbouring presidencies of Madras and Bombay. Otherwise it would not tend to smooth business-relations between local merchants and outside businessmen. If, however, action on those lines was not feasible, he would be satisfied with the introduction of uniform weights and measures at least in respect of local transactions.

Mr. G. KANCHAPPA represented that in the copra market at Tiptur, the *thadiya* weight, which was equivalent to 10 seers, was reckoned at 310 tolas, though everywhere else it was only 240 tolas. He therefore urged that at least so far as purchases and sales within the State went, the Government should enforce the use of standard weights and measures.

Mr. C. SUBBANNA NAIK brought to notice that even the Agricultural Department of Government was using different weights and measures consistent with the practice obtaining in each locality, in supplying seeds and manures to local agents. This led to some confusion in the minds of raiyats while making lotions and other mixtures. To obviate this, he suggested that the Department might be instructed to substitute uniform weights in all its transactions concerning seeds and chemical manures.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) explained that long ago legislation had been passed in the State prescribing uniform weights and measures. Under that law each unit of weight and measure had been clearly defined. The Act was applicable throughout the State. But, as pointed out by Mr. Bhupalam Chandrasekharayya, these standard weights and measures could be used only in the absence of any practice or understanding to the contrary. From one point of view, such an understanding, if any, had its own virtues, though from another point of view, it might not be all to the benefit of the people concerned. A reference to Appendix A of the Act would show that mention was made of the existence of different kinds of weights, *e.g.*, avoirdupois, apothecary, United States, metric, Japanese, etc. Of measures also, there were various kinds—gallon, bushel, metric, Japanese, etc. It was clear that a merchant in Mysore could not, in his dealings with Japan, for example, be guided by the Mysore weights and measures.

As regards those who transgressed the provisions of this legislation within the State, according to the Indian Penal Code and the Municipalities Act, an offender could be punished only when it was proved that he had committed an offence knowingly, and not otherwise. About 43 important trade centres had been notified as coming under the operation of the Weights and Measures Act, and in those places none but certified weights and measures could be used. There were certain difficulties in the way

of the Act, incorporating all the of extending the provisions of the Act to all the other parts of the State at once. One difficulty lay in making people of all parts to purchase certified weights and measures in place of the existing ones because, due to poverty, many of them might not be able to go in for them.

Proceeding, **Mr. A. V. RAMANATHAN** explained that originally the working of the Act had been entrusted to officials of the Revenue Department. Recently, however, the responsibility had been transferred to officials of the Industries Department and according to a Government Order passed on 12th December 1938, a special staff had been appointed to enforce the provisions of the Act in all the notified areas. That staff was launching prosecutions whenever violation of Rules came to notice and making monthly reports regarding the extended use of certified weights and measures, number of cases tested, prosecutions launched, etc. But necessarily, there was some delay in getting weights and measures manufactured in sufficient quantities. For this reason, Government were extending the provisions of the Act gradually Meanwhile, however, he suggested that if organisations of Trades Associations, Grain Merchants' Associations, Agricultural Co-operative Societies, etc., were set up in particular places and applications made to the authorities for the extension of the Act to the concerned areas, it might be easier for Government to show preference to such places. He also added that, wherever possible, municipal councils might pass resolutions asking for an extension of the provisions of the Act in their respective areas and submit them to Government for consideration.

In conclusion, **the MINISTER** said that if, in spite of the enactment of the legislation in question, there was some laxity in actually enforcing the provisions thereof, it was due to the fact that Government did not want to be too hard in a matter of this kind for some time and also to the fact that purchase of the new measures was bound to take some time in the case of the poorer people.

No. 107.—Amendment of the Mysore Mines Act.

Mr. K. SUBBIAH SETTY (Malur—Rural).

Mr. K. SUBBIAH SETTY explained that this representation was intended to bring to the notice of the Government the urgent necessity to amend the Mysore Mines Act, with a view to ensuring the health and convenience of the workers as well as their safety. At present, the working hours of labourers in the Kolar Gold Fields were not regulated on any principle, and no extra wages were being paid for extra work done by them. Nor was there anything like weekly rest for them. There did not seem to be any prohibition against the employment of women and children underground. Nor was there any rule for regulating their employment on the surface. There were about 20,000 to 24,000 labourers working in the mines. It was not known what measures of safety were provided for them. But it was evident that the housing facilities provided for them were not adequate. It was a pitiful sight to see 8 to 10 people huddling themselves up in small huts devoid of any ventilation. These huts had no separate apartments for cooking and for sleeping. Nor was there any drainage in the area. It was the bounden duty of the Government to provide sanitary dwellings and necessary amenities to the large number of labourers in that area. Above all, medical aid in the area was anything but satisfactory. A population exceeding 20,000 stood in need of a larger number of hospitals or dispensaries than were actually available in that area.

The fixing of maximum hours of work for labourers working underground as well as those working on the surface was essential to ensure their health. It would be inhuman to make them work beyond eight hours a day. None of the amenities mentioned in the Factories Act was provided in the mining area. In the Mills, at the Cyanide plants, and in the workshops, there were thousands of workers who were now denied many of the benefits of the Factories Act. It was therefore necessary to amend the existing provisions

provisions calculated to ensure the health and safety of workers.

In particular, the speaker urged that Section 17 of the Mines Act should go. According, to it, the Superintendent of Police might, by an order in writing, direct any person whose residence was within any area that might be notified from time to time, to quit within 24 hours and not to enter it again without his permission. This, he contended, was too large and dangerous a power to be vested in a police officer, as it had actually given room to a lot of mischief. By virtue of that power Congress members were not allowed even to carry on their election propaganda in that area. He therefore urged for its immediate deletion.

Mr. K. CHENGALARAYA REDDY supported the representation. He said that the Mysore Mines Act was first introduced in Mysore in the year 1906 and amended in certain respects in 1914. No further amendments had been made since. Consequently, provisions in respect of important items such as, safeguarding the health and convenience of labourers were not to be found in the Act. No doubt, Government had taken rule-making powers under the Act and provisions in respect of discipline had been made from time to time. But, matters like the health and convenience of labourers had not received consideration even in exercise of the rule-making powers of the Government. Certain sections of the Factories Act, for example, provided for the health and convenience of factory labour. But corresponding provisions were not found in the Mines Act. Similarly, questions like, hours of work, payment for extra work, holidays, employment of women and child labour etc., were not to be found in the rules at all. As the Factory Act did not apply to Mines, the more exhaustive provisions of the former could not be availed of in the case of labourers in the Mines. The Mining Acts in operation in other parts of India contained important provisions like, the number of days of work both on the surface and underground, the age-limit in respect of women labourers, etc. The same matters were also dealt with in the South African Mines Act of 1911. For example, under that Act, labourers were not expected to work on Sundays, during the Christmas, etc. The maximum number of hours of work had been defined as 8 and employment of persons of less than 16 years of age was not permitted. The period of work per week had been defined as 48 hours. It was desirable that such essential details were dealt with under the Mines Act also.

In particular, section 17 of the Mines Act was not to be found either in the Indian Mines Act or in the South African Act. It was not clear, therefore, why the Government of Mysore should be particular about having a provision like that. The purpose of that section was explained to be the protection of mining materials. That in itself was unobjectionable, but the powers under that section were now vested in the District Superintendent of Police, though Government themselves had granted originally that vesting of such vast powers in the hands of a Police officer would lead to practical difficulties. As things stood, the Superintendent of Police was enabled without even assigning reasons to detain or send out of the mining area any persons on mere suspicion. No doubt, the District Magistrate could withdraw the said orders in particular cases. But, it was not always that persons interested could prevail upon the District Magistrate to do so. Even, apart from that provision, the speaker asked, what justification there could be in enabling a Police officer to so suddenly take away the fundamental liberties of His Highness's subjects such as residing where they would. That Police officers were apt to make indiscriminate use of powers vested in them, would be clear when it was borne in mind that prior to the year 1939-40, the free use of the powers vested under sections 45 and 46, which were merely meant to prevent theft of gold, etc., was made with a view to curtailing free movement and freedom of speech which political workers were entitled to enjoy. The said sections were applied for political reasons

against 14 persons in the past. Even recently the same section had been applied nearly against 20 people whose only fault was that they were trying to help the formation of labour unions in the said area. These workers had been directed to leave the gold mines area and not to enter the area again without permission. It was difficult to know against whom a particular section of the Act would be applied and for what reasons. Section 17 was not to be found in any other Act. The use of the powers conferred by that section was in many cases unwise. There was no doubt that it would lead to great mischief and hardship in future. If at all Government wanted to keep on the section, they should make clear the procedure to be adopted before the powers conferred by that section were really exercised, and no action under that section should be taken without proper enquiry In the course of an answer to one of the questions answered in the fourth batch, Government had stated that action had been taken against 44 persons. Personally, the speaker felt that many more persons had been proceeded against under that section. Subsequently the orders passed against some of these persons had been withdrawn, whereas the remaining individuals were still subject to the same hardship. The reason for this invidious distinction was also not known.

In this connection, the speaker very much wished that Representation No. 105 had been taken up for discussion. That representation pleaded for the publication of *Rajamantrapravina Diwan Bahadur* K. Matthan's report on the conditions of labour in the mining area. That officer had made exhaus ive enquiries and recommended certain measures in the interests of labour. The report itself had been submitted to Government some time back but the public were not in a position to know what action Government had taken on the recommendations made in that report.

The MINISTER for LAW (Rajasevaprasakta A. V. Ramanathan) then made the following reply with a view to removing a sort of misapprehension that seemed to exist with regard to this question. If anybody thought that any of the provisions which were found in the Mysore Factories Act had been wilfully omitted from the Mysore Mines Act, he would be wrong. The Mines Act was introduced in Mysore several years before the Factories Act came into existence. Subsequent to the introduction of the former, an understanding was arrived at, at the International Labour Convention, that women should not be employed underground and so on. In accordance with that understanding, the laws in force in various countries had adopted necessary provisions in that behalf. Similar action was taken in Mysore also in accordance with the suggestions made to Government in 1939. Even recently, suggestions had been made that women workers connected with the mines should also be given the benefit of maternity leave, etc. Government had an idea of including provisions in that respect also. That suggestion, as well as the present discussion would be borne in mind when the question of revising the rules under the Mines Act was next taken up. Government never had the idea that labour in Mysore should be treated with indifference. On the contrary they were anxious that all possible facilities and privileges should be made available to labourers, particularly those whose work was attended with special risks and difficulties. In particular, they were anxious that labourers in Mysore should have no reason to think that they were denied the benefit of any privileges enjoyed by labourers elsewhere.

Mr. K. CHENGALARAYA REDDY said that it was necessary that the Mysore Mine Act should be made more comprehensive in the near future than it was at present.

The PRESIDENT replied that the Government agreed with the member on principle.

Mr. T. K. PERUMALL, representing labour, rose to speak in support of the representation. But, as he said he was unable to speak in Kannada and would therefore speak, in Tamil, **the PRESIDENT** observed that very few members in the

House and officers of Government could understand Tamil and suggested that the member might send up to Government any specific proposals or observations which he might wish to make in connection with this representation.

No. 112.—Opening Ayurvedic and Unani—Dispensaries in each Taluk.

Mr. S. N. M. RAZVI (Bangalore City Mohammedan—Urban).

Mr. S. N. M. RAZVI prayed that in every taluk one Ayurvedic and one Unani Dispensary be opened. He was sorry that the liberal grants which the Government were giving to Ayurvedic and Unani institutions for many years were subsequently withdrawn. On account of the existing international conditions, Europe and other foreign medicines were not available locally in adequate quantities. For that reason the poorer people had necessarily to resort to Ayurvedic and Unani institutions for medical aid. Luckily, Ayurvedic and Unani medicines would always be made available to poor people, so that neither the institutions nor the general public would have no difficulty in obtaining relief in times of need. For this reason, it was necessary that Government should start institutions of the kind referrred to, in each and every taluk of the State and give them all possible help and encouragement.

Mr. S. RAMAPPA in supporting the representation said that Ayurvedic and Unani dispensaries were meant to administer relief to a much larger number of people than allopathic dispensaries. For example, in the Mysore City itself as many as 1200 patients were attending the Unani and Ayurvedic dispensaries as against 300 patients availing themselves of the Krishnarajendra Hospital. Each allopathic dispensary was in charge of an L.M.P. drawing a pay of at least Rs. 50 per month. And, in addition, Government or the local bodies would have to incur other expenditure also. The Unani or Ayurvedic Medicines were more effective than allopathic medicines. A number of qualified practitioners of these systems were available; but, they were unable to treat a large number of patients for want of proper encouragement, because even where they were running dispensaries, they were paid only Rs. 15 per month. It was necessary that Government gave them much better encouragement, making due provision therefor in the Budget.

The MINISTER for LOCAL SELF-GOVERNMENT and PUBLIC HEALTH (Mr. H. B. Gundappa Gowda) inquired whether the member meant to suggest that Government should bear all the costs.

Mr. S. RAMAPPA replied that that was his intention. He accordingly suggested that at least a small provision of Rs. 5000 be made in the budget every year, so that a few additional doctors practising the ayurvedic and unani systems might be appointed every year on reasonable remuneration.

Mr. JATHARE NAIK, who further supported the representation, said that he was very glad that Government were taking keen interest in Ayurvedic and Unani systems of medicines. He referred to the vast mass of literature which they had got printed and the large number of exhibits which they had arranged at the Dasara Exhibition for the edification of the general public. That was evidence of the interest which Government evinced in the progress of these systems of medicines. The speaker himself was an asthmatic patient for long and while prolonged treatment at the hands of allopathic practitioners had not done him any good, one distinguished practitioner of the Ayurvedic system had been able to give him considerable relief within a short time. He therefore wished that Government gave all possible encouragement to the Ayurvedic and Unani systems.

Mr. H. B. GUNDAPPA GOWDA assured the House that Government were genuinely interested in encouraging the two systems of medicines. As the Dewan had recently said in his opening speech Government were anxious that indigenous medicines must be made use of in an increasing scale. This in fact had become a necessity both on account of war conditions and the non-availability

of foreign medicines. Even the available foreign medicines were selling at prohibitive rates, so that poorer people could not go in for them. There was no difference of opinion on the suggestion that more and more of Ayurvedic and Unani dispensaries should be opened in the State. But, it would not be feasible for Government themselves to take up the responsibility of financing all such dispensaries. That was the primarily responsibility of the concerned local bodies supported by the richer members of the community as a whole. Of course, the Government for their part would be quite prepared to share their burden of the cost also if definite proposals were made by the local bodies concerned.

At this stage the Assembly rose for lunch and reassembled at 3-30 p. m.

No. 115—Rule to implement labour legislation.

Mr. B. S. CHANDRASEKHARA RAO (Bangalore City—Urban).

Mr. B. S. CHANDRASEKHARA RAO prayed that with a view to implement the labour legislation to be introduced in the State a uniform set of rules be framed providing for (i) Provident Fund (ii) Leave: sick, casual and privilege, and (iii) Conditions or Rules of work day to day, (working day rules) in all industrial undertakings either under Government management or those in which Government funds were invested, on the analogy of Service and Provident Fund rules now in force amongst salaried servants in Government departments.

Mr. N. RAMA RAO supported the representation. He said that according to the provisions of the Mysore Labour Act, the framing of Standing Orders regarding industrial matter was a responsibility cast on the employers concerned. But the difficulty was that most of the employers had not the experience necessary to frame their own standing orders. If, therefore, the Government prepared a set of model rules or standing orders, they might be adopted, if necessary with permissible alterations, by each of the employers. In the absence of model rules, even the Labour Commissioner, whose duty it was to verify whether each employer or concern had framed the rules, would have nothing to depend upon. The speaker therefore hoped that Government would accept this representation.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) said that two points were involved in this repredentation; firstly, that a set of model rules should be framed by the Government and secondly, that Government themselves should enforce such rules in industrial concerns of their own. Government no doubt were proposing to issue the rules in the near future. But they were not expected to cover all the points meant to be dealt with in standing orders. With regard to questions like the Provident Fund, sick leave, etc., all the discussion was over and decisions had almost been taken. In the course of discussions. factory-owners in a sub-committee constituted by Government had stated that they were prepared to introduce in their respective concerns whatever rules were already in force in factories elsewhere. And so far as Government concerns went, Government were already taking action to issue rules in respect of leave, provident fund and gratuity.

No. 118—Appointment of a Director of Public Prosecutions

Mr. K. CHENGALARAYA REDDY (Bowringpet—Rural).

Mr. K. CHENGALARAYA REDDY prayed that a committee be appointed to consider the advisability of appointing a Director of Public Prosecutions recruited from the Bar to scrutinise investigation of criminal cases before charge sheets were placed, to what category of cases such a scrutiny should be confined, etc., or to suggest alternative reforms in the existing procedure with a view to prevent hasty and ill-conceived prosecutions.

He was of the opinion that this was a very important representation worthy of the most sympathetic consideration at the hands of the Government. He did not consider it necessary for him to place before the House all the facts that could be assigned in favour of it. So long as ten years ago, the Mysore

Lawyers' Conference had suggested a number of amendments to the Criminal Law in force in the State. Unfortunately, Government had not taken action to implement these resolutions of the conference. Recently, certain things had taken place in the State which had made more clear than ever before, the need for certain improvements in the existing law. Regular scrutiny was necessary before any understanding could be arrived at with respect to these prosecutions. It was with this object in view that he now suggested the appointment of a committee. The terms of reference to the committee, when appointed, need not be confined to the points mentioned in the present representation. Any other points which Government might consider necessary might also be included in them.

With regard to investigation and prosecution in any criminal case, the speaker hoped that every body would agree that the greatest amount of care and responsibility was called for, since the liberties of the subjects of the State were directly concerned. In this connection, he was sorry to say that particularly for a few years now, political prosecutions were being somewhat freely launched. And it did not look as though before filing them, Government had got examined the questions like the implications of each prosecution, etc. Ordinarily, the investigation was made by the Police and not infrequently they were accustomed to arriving at conclusions even before the investigation was completed and prosecutions launched on such unreliable data. It was a fact that in some cases, investigations would be proceeding alongside of prosecution. For instance, in August 1939, as many as 14 persons had been prosecuted. The facts of the case unfortunately, were otherwise than were shown in the complaint. Without going into the merits of the case, the speaker said that after filing the case the Police grew anxious about its progress and therefore went about securing witness in order that the prosecution might not fail. It was unfortunate that even prosecution on the charge of sedition proceeded on such lines. In one case, recently, it had prominently come to notice that investigation was made subsequent to the filing of the case. If such things were allowed, the liberties of the subjects of His Highness the Maharaja would not be secure.

One question which formed the subject of prolonged controversy in the State was whether capital punishment should remain in force any longer or not. It was a question which agitated not merely the public, but also the mind of the Government. It was time that the question was settled some way or the other. In this connection he invited attention to a recent case in which the police conducted investigation for long after filing the prosecution. Curiously enough, they went on adding section after section in the charge-sheet and in support of such action at every stage they also, filed a number of supplementary lists of witnesses. That single case was enough to show to what an extent the liberties of His Highness's subjects were in danger if the Police went on conducting investigation as they liked.

In the case referred to above, the prosecution failed in the lower court and perhaps even against the advice tendered by the Advocate-General, the Police went in appeal to the High Court, a special Public Prosecutor having been appointed for that purpose. Even in the High Court, the prosecution failed for want of evidence. After all this, the Police put in some of the points already urged in the said case in yet another case. That sort of unsystematic work, the speaker felt, ought not to be allowed to go on for all time.

In western countries, in order that such irregularities might not occur, special officers—Directors of Public Prosecutions—were appointed to investigate thoroughly, hold an enquiry, take evidence also, if necessary, and come to a decision whether there was a case or not and then recommend committal. The system was known as "Accusatory" in some countries, and "Inquisitorial" in some others. In either case, the system was free from all blame. In Mysore also, if similar steps were adopted before a decision to launch a prosecution was

taken, it would serve public interest very well.

After all the cases referred to above were disposed of, the member said, certain important newspapers had reviewed the legal position as obtaining in Mysore and definitely suggested that that the law needed urgent revision in important respects. It was in accordance with that suggestion that the speaker had sent up the representation which he was now moving. There was a Director of Public Prosecutions in England also, and one of the most important Law Officers was being appointed as such. In America also one member of the Bar was being selected and appointed as Director of Public Prosecutions. There was also another system of appointing an officer known as "Public Defender." But one principle in all these systems was that the executive should not be in charge of investigation. And an officer independent of both the executive and the judiciary should be in charge of both investigation and prosecution. The same principle might, with advantage, be followed in Mysore also. It was needless to define exhaustively on the present occasion the duties of the officer now recommended to be appointed. But it was necessary to require that officer to review every prosecution It would be sufficient to agree that at least at a later stage it was necessary to define essential particulars like the kind of cases, the kind of offences involved and the kind of punishments that might be meted out in such cases so that only more important cases might be referred to the special officer in question. For going into such important aspects, the appointment of a committee was a necessary preliminary. In the circumstances, the speaker hoped that the Government would see their way to accept the representation.

Rao Bahadur N. S. NANJUNDIAH supported the representation. In doing so, he said that quite apart from political cases, considerations of public safety and safety of the person and property of the citizen required that where a case was proposed to be launched, police investigation should be proper and complete. He agreed that sometimes, cases were being filed where there was no real necessity for prosecution, resulting in harassment of the public. District Magistrates and Police Superintendents, he said, should not be made the sole authorities to decide such matters. Consequent upon the scheme for the separation of judicial and executive functions, District Magistrates and Police Superintendents were not in a position to investigate criminal cases as they had no opportunities for posting themselves up with all the necessary details. The officers often functioned in more than one capacity and were known, for example, as Amildar Magistrates, Sub divisional Magistrates, etc., so that purely judicial officers were not dealing with cases. Besides, in olden days, whenever any large question arose, Government were in the habit of laying down their policy in respect of it, so that Heads of Departments were in a position to drive all their subordinates in one direction agreeably to such policy. At present, however, the head of each department was formulating his own policy, with the approval of the Government. But each succeeding officer would probably go on reversing his predecessor's policy, this again, with the approval of Government This was particularly the case with the Police Department, unfortunately, for some years now. This had resulted in considerable dissatisfaction on the part of the general public, who, the speaker said, anxiously looked for an assurance that the protection that was available in the past was equally available to them now also. Public confidence, he asserted, was now shaken. That must be restored. But that could not be done all at once. In the meantime, there must be an agency for advising the Executive on questions ariting from time to time, *e.g.*, whether the investigation in a particular case was proper or not, whether a charge-sheet could be placed or not. District Magistrates and Police Superintendents should not, he said, have the entire responsibility in such matters. Otherwise, irregularities, leading to unnecessary harassment, would be inevitable, as for instance, in a number of appeals filed in which only a

few might succeed while all the rest of them might result in acquittal.

From this point of view, the member said, that the appointment of a Director of Prosecutions was a very welcome proposal. It would do nobody any good if scrutiny of cases was entrusted to a departmental officer. Police officers generally expected special sympathy from courts of law in all the cases filed by them, unless, as had actually happened in one case, the presiding judges made it clear to them, well in time, that they should never hope that the leanings of the court would be on their side. There might be judges, even now, of that type, but they would hesitate to emulate the example since a certain magistrate had come to trouble on that account. And if the magistrate or other judge also happened to be not rich in experience, the hardship to the public would be very considerable indeed. Therefore, if there was a Director of Prosecutions he could give the officers proper and independent direction. He could also lay down a policy, or make rules, as to which particular officers should do the investigation, who exactly should file a charge-sheet, etc. His independence was bound to result in greater protection to the public. He therefore earnestly appealed to Government to adopt the suggestion contained in this representation and very much wished, that by doing so, the Government would become a model to many other Administrations.

Mr. A. N. RAMA RAO, however, opposed the representation. He wondered how far it would be feasible for a single officer as suggested, to scrutinize thousands of investigation reports and charge-sheets to be filed in all parts of the State. It was an elementary principle of criminal jurisprudence that justice should be meted out as quickly as possible. This was the reason why criminal courts were denied the benefit of long vacations. And that principle was sure to be sacrificed if the suggestion before the House was to be adopted, because even when a charge-sheet was proposed to be filed in some distant part of the State for theft or dacoity, etc., the investigating officer would have to send his confidential diaries, investigation reports, etc., to the Director who obviously, would be unable to scrutinize them promptly and regularly.

Another point for note in connection with this question was that while a Public Prosecutor had been appointed for every district the Sessions Judges numbered only 3, with the result that Public Prosecutors were not having sufficient work. The appointment of another officer over their head was thus altogether unnecessary.

It was true that defects in charge-sheets would mean harassment to people, but in cases in which there was scope for anybody to entertain an apprehension of that nature, it could easily be set at rest by taking special advice as was being done even now.

The appointment of a special officer as suggested would, the speaker thought, give rise to needless complications. If a charge-sheet was small, but involved large principles, the question would arise, whether such cases also should, or need not, be referred to him. For dealing with such cases only it was very likely, that the appointment of another officer would become necessary.

For these reasons, he said, he was opposed to the proposal, though he would be glad if one more member of his (legal) profession might stand to benefit by the representation.

Generally speaking, with the sword of Damocles hanging over his head, the arrested person would be anxious that the case should find a speedy disposal. And in such a case if the question whether or not a charge-sheet should be placed took too long, a time for decision public interest would surely suffer. This work was simple enough for a Public Prosecutor to decide and it was not necessary to appoint a specialist for deciding it. The existing system was working quite well. And one special advantage of that system was that in specially important cases, the public prosecutors could be consulted even before the charge-sheets were filed.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) stated that he had listened with rapt attention to

all that Mr. Chengalaraya Reddy said. Even according to him there were no special advantages to be gained by the proposed arrangement. The only result of accepting it would be the creation of an appointment, meant for a member of the legal profession. That could be sanctioned, no doubt, provided it was calculated to do public good. But the reasons assigned in favour of the representation were not such as to establish the need for such an appointment.

One of the reasons urged was that in a certain case certain irregularities had occurred which would not have been the case if a Director of Prosecutions had been appointed. The present speaker himself was the Inspector-General of Police at the time that case was investigated and prosecuted, and on the basis of personal experience gained in that connection, he could not agree that the procedure adopted was in any way detrimental to public interest. The mover of the representation was heard to say that so long as there was a determination to file cases on insufficient data, the public would go without proper remedy. The speaker did not know against whom that observation was directed. Nor could that observation be accepted as an absolute truth, without hearing those who were responsible for preparing that case.

Proceeding, **the MINISTER** argued that it was not uncommon, now-a-days, for the accused in many cases to say that they did not want to defend themselves. If this was so, he did not know whether the appointment of any number of Directors of Public Prosecutions would be of any use to anybody. And so far as charges for sedition were concerned, it was Government who filed the cases and it was they who should accord sanction to launching the prosecutions. Before giving such sanction, naturally, they would have to consider whether there was a real case for the prosecution and whether the case was likely to succeed if taken before a court. Government surely would not accord sanction merely because the Head of the Department or the Deputy Commissioner concerned recommended the filing of a case. This being so, no special purpose was going to be served by the appointment of a Director of Prosecutions as suggested.

Another complaint made by the mover was that, after the court was seized of the case referred to, supplemental witness lists were filed. Granting that it was so, no grievance on the part of the public could be redressed even if there was a Director of Prosecutions, because he would have nothing to do with such lists. If supplemental lists were filed, the court would first consider whether there were sufficient reasons for entertaining them. No court would automatically accept supplemental lists merely because they were filed by the police.

Yet another point was made out by the mover, that investigation was proceeding even after the prosecution had commenced. It was quite open to the court to refuse to permit it and if the court permitted it, the natural conclusion one would be led to was, that it was justifiable. But whether the court permitted, or refused to permit, such a procedure, the Director of Prosecutions would have very little to do with that decision. Similarly, there was little part for him to play even in respect of filing appeals from the decisions of a lower court. It was quite another point for consideration whether the Director of Public Prosecutions was meant to give advice himself or would have to depend upon somebody else for giving the advice in his name.

The speaker was somewhat shocked when the "inquisitorial system," which was in vogue in France was referred to as one of the possible systems worthy of adoption in this State. Happily, however, the member himself had absorbed the shock by suggesting that, in preference to the French system, the English example of having a Director of Public Prosecutions, might be copied, with advantage. But, before either the one system or the other was recommended it was worth while considering whether either of them was really called for at all. Personally, the speaker was of the opinion that neither

of them was necessary because they were sure to result in certain inconveniences which at present was not being experienced in the State.

Having said all this **the MINISTER** was glad that Mr. Chengalaraya Reddy had referred him to certain authorities. He would certainly refer to them and if after further consideration it was found desirable to adopt the suggestion in question he would be only too glad to take the necessary steps in that behalf.

Mr. K. CHENGALARAYA REDDY was thankful to the Minister for saying that he would have the question examined. But so far as members of the public were concerned, the speaker said that some were in favour of the system recommended in the representation while others might hold a different opinion. This was exactly the reason why he had suggested the appointment of a committee to consider the question.

The PRESIDENT said that as already stated by the Minister, the suggestion made by the member would be acted upon if after further consideration it was found necessary to do so. In the light of that assurance it was not necessary for the member to make a further statement and thereby practically re-open the question.

Mr. K. CHENGALARAYA REDDY submitted that according to standing orders, it was only after Government had made a reply that the mover could make his final remarks.

The PRESIDENT invited the member's attention to standing order 39 (2) of the Assembly, under which the right of reply could not be exercised by a member when, as in the pregnant case, the President had already closed the discussion.

No. 123.—Absorbing copyists and typist-copyists into permanent Government Service.

Mr. M. A. SREENIVASA IYENGAR (Hunsur—Urban).

Mr. V. VENKATAPPA moved the representation on behalf of Mr. M. A. Sreenivasa Iyengar. He said that there were about 125 copyists employed in the different courts in the State, of whom about 50 were typist-copyists. A majority of them were employed in Civil Courts. All these, in a sense, were government servants, but not so in another sense, because while they were subject, like all other government servants, to the usual rules of supervision and discipline, none of the facilities open to others could be enjoyed by them. In the first place, they drew no fixed or graded salaries. They enjoyed no pension, nor leave. Consequently, they earned an income, according to the work turned out by them, only for 10 months in the year because during vacations they did no work and therefore there was no return. Even during the other months, while their minimum income was defined as Rs. 20 in the case of copyists and Rs. 30 in the case of typist-copyists, it was not a fixed income, with the result that their family budgets could not be fixed on any basis. That was a grievance calling for some bold and effective redress at the hands of the Government.

But this was by no means the only grievance of copyists. From the answer to Question No. 65 it was clear that these poor people were not expected to do any other work in the courts to which they were attached. But as a matter of fact, they were being drafted for other work and compelled to attend to it whenever called upon to do so without any additional remuneration. In this particular respect, they were treated as government servants. Under such conditions, they were expected to work for long periods. But at the end of the period if a particular copyist was unable to work he would go without anything to sustain him for the rest of his life. In some other administrations, the speaker said, copyists were being abrosbed in other permanent vacancies and he requested that a similar facility be extended to them here also for the reasons urged above.

The MINISTER for LAW (**Rajaseva-prasakta A. V. Ramanathan**) stated that copyists themselves had petitioned the authorities concerned in the matter and that the Public Services Commissioners and the High Court were considering the same. Just now the

matter was still under correspondence. Another question was also engaging attention, *viz.*, that as and when opportunities occurred, copyists might be absorbed in permanent clerical vacancies and the High Court were considering how best this could be done without prejudice to the interests of candidates borne on the published lists and to the rules of recruitment. If possible, a decision might perhaps be reached on the question before the following session of the Assembly.

No. 129.—Abolition of Court fee in land acquisition cases.

Mr. T. THIMMARAYAPPA (Magadi—Rural).

Mr. T. THIMMARAYAPPA prayed that the Government might be pleased to order that the parties need not pay court fee on appeals filed by them to the High Court in land acquisition cases. He added that since court fee was not insisted upon in the case of land acquisition appeals before the District Courts, it would not be fair to insist upon it when the appeals went up before the High Court

Mr. K. HANUMANTHIAH supported the representation. He explained that this invidious distinction was the result of a technical distinction made between an appeal before a District Court and an appeal before the High Court. In the former case, he explained, it was known, as a *reference*, while in the latter it was treated as an appeal. But as a matter of fact, he contended, both were appeals and there was no reason to deny parties in one case the facility which they enjoyed in the other case. The main point for consideration in this connection was that the parties themselves were not responsible for the cases in respect of which the appeals arose. Nobody would be prepared to forego valuable landed property, and if such property was to be compulsorily acquired without sufficient recompense to the owners it was natural that they tried to get the best compensation possible and reasonable facilities must be made available for them in that behalf. It could not be argued that there was no need for anybody to go in appeal before the High Court, on the ground that the District Court would have done the best for the parties. That would amount to saying that the officers presiding over all the District Courts were infallible. But that this was not always so, would become patent when it was borne in mind that in a number of cases, higher compensation was secured by parties appealing to the High Court. Particularly in cases of acquisition for large irrigational works, hundreds and thousands of acres of land would be involved; individual raiyats who depended on their small holdings for their maintenance would be altogether ruined if such holdings were acquired and the compensation awarded was also not reasonable.

For the foregoing reasons, this was one of the most important representations for consideration at this session and the speaker therefore requested Government to view it with the utmost sympathy.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) was glad that the member who so strongly supported the representation had himself referred to an important point, *viz.*, that so far as land acquisition cases were concerned, it was not appeals that went before the District Courts but only referred cases. That was the reason why no fee was insisted upon in those cases. On that basis it could not be argued that in the case of appeals going before the High Court also, no fees should be insisted upon. The aggrieved parties, if they wanted the benefit of decisions by competent judicial officers, ought to pay fees. There could be no justification in their attempting to escape that necessary payment. Secondly, cases going up in appeal were few and therefore it could not be contended that any large public interest was involved in this matter. In this view also, there was no warrant for effecting any radical modification in section 5 of the Mysore Court Fees Act which the representation implied.

Special Representation.

Maximum Rate of Bus Fare and Collection of Seat Tax and Road Cess.

Mr. Kadidal MANJAPPA GOWDA (Tirthahalli—Rural) **and 133 other MEMBERS.**

Mr. Kadidal MANJAPPA GOWDA prayed that the Government might be pleased to fix the maximum rate of bus fare at six pies per mile throughout the State and that the seat tax and the road cess might be collected in proportion to the number of days and the distance the vehicle was permitted to run.

He observed that this was a question which had assumed special importance of late. On account of the recent and unforeseen system of petrol rationing, bus owners had raised the fares without any rhyme or reason. This had resulted in considerable hardship to bus passengers in almost all parts of the State as might be evident from the fact that as many as 134 members of the Assembly had attested the notice of the representation under consideration. The bus owners themselves were not experiencing any special inconvenience because the price of petrol had not gone up. Even the rationing of petrol had not stood in the way of their running the buses because, in its place, they were using charcoal gas. And yet, the maximum rate of bus fare had now been fixed by the Government at one anna per mile. So far, however, no bus owner was levying more than 6 pies per mile. On the other hand, the rate prevailing in many cases even now was so low as 3 pies, specially on railway-competition routes. No uniform basis was being followed by bus owners in different parts, so that while the fares changed in some cases were quite reasonable, in others they were unpardonably high. Thus, the fare from Mysore to Arkalgud, a distance of 75 miles, was Rs. 1-10-0; from Shimoga to Sorab, it was Rs. 2-5-0, the distance being 54 miles; from Bangalore to Magadi Re. 0-8-0; and Bangalore to Mysore, Rs. 1-8-0 though the distance was as much as 90 miles.

The maximum rate of one anna fixed by Government was meant to apply only to non-competition routes, but in some cases, even on such routes bus owners were charging only lower rates. In the case of competition routes the rate charged was so low as 3 pies or 4 pies per mile, even now. That being so, it would not be reasonable to fix the maximum at anything more than 6 pies. He instanced, in this connection, the case of the service from Shimoga to Tirthahalli, and said that though the distance was only 36 miles so high a fare as Rs. 1-8-0 was being charged by the proprietors. This meant, in his opinion, a net profit of Rs. 55 to the proprietors, in each trip after paying for petrol, for the running staff and the tax.

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V. Anantaraman) and the MINISTER for EDUCATION (Mr. J. Mahomed Imam) observed that petrol was a costlier item than Mr. Manjappa Gowda seemed to have thought, and that provision would have to be made for repairs and renewals also.

Mr. Kadidal MANJAPPA GOWDA agreed to this view. He said that bus owners also had certain grievances of their own after the petrol rationing scheme had come into force. But the representation under discussion was calculated to serve the interests of both passengers and bus owners, and the Government should therefore be pleased to grant the two requests combined in it.

Mr. T. THIMMARAYAPPA supported the representation and said that petrol rationing meant some extra expense to bus owners, in the first instance, but to passengers ultimately. He explained that in some cases buses were permitted to run only on alternate days, instead of every day as before, but though they ran for only 15 days in the month, road cess and vehicle tax up to the maximum limit were being collected from them. They also had to maintain the same establishment as before and so, to make up for that loss, bus owners were compelled to increase the fares. Thus it was the passengers who were made to bear the bus owners' loss ultimately. If this hardship of the passengers should be removed, the fares had to be reduced. Of late the Government were adding to the burden of taxation to be borne by bus owners, and all of it was bound to fall on the travelling public.

A Government, which was doing so much by way of special encouragement for industries, should see that the runing of buses also was treated as an industry worthy of sympathetic consideration at their hands. The sympathy, he said, ought to take the shape of a reduction of the road cess and the seat tax, both of which were indeed very heavy. This question had already been raised in another connection and Government were pleased to say on that occasion that the question might be raised in another connection.

The MINISTER for LAW (Rajasevaprasakta A. V. Ramanathan) enquired whether bus owners had any specific grievance apart from that of passengers.

Mr. T. THIMMARAYAPPA said that bus owners were expected to obey and oblige officials of so many departments of Government.

The PRESIDENT observed that it would be useful if members with personal knowledge of the plying of buses could participate in the discussion.

Mr. Karagadi SESHAGIRIAPPA said that he was himself a bus proprietor, that he could say with confidence that the fares charged did not work out at more than 3 to 5 pies per mile, that buses were now permitted to ply for only 15 days in the month, and yet they were being made to pay the same rates of road cess and vehicle tax as before when the buses were actually running throughout the month. Secondly, tyres, tubes, oil, and everything required for the running of buses was selling at very high prices. Running of services had thus become very costly, so that if at all, the proprietors deserved some special relief, and not extra levies, at the hands of the Government. The enhancement of rates which was complained of by the previous speaker was done in the case of the Tirthahalli service only. In all other cases it was much less than 6 pies per mile.

With regard to seat tax, he represented that there was real difficulty, since bus owners were made to pay for all the 30 days of the month when, as a matter of fact, they were permitted to ply buses only for 15 days in the month. The proprietors, he said, depended on the buses for their livelihood but at the rate at which they were being taxed they could never hope to make a living from running the services. He, therefore, requested that within the maximum rates defined in the Act, the taxes be levied on the basis of the number of days on which a bus in question actually plied.

Mr. T. M. KHAN explained that the representation contained two points for consideration, *viz.*, (1) that the maximum fare should be fixed at 6 pies, per mile and (2) that the seat tax and road cess be collected according to the number of days of actual service. As regards the first he was of opinion that the request need not have been made since bus proprietors were not charging higher rates even now. If in any particular case higher rates were charged, that would only be a rare exception and on that account no State-wide action on the part of the Government was called for. It was necessary to note that the prices of available spare parts had gone up considerably, that some other spare parts were not available at all, and that the cost of buses themselves was higher than ever before. In such circumstances even if bus owners raised the fares by one or two pies per mile, nobody should take serious objection to their doing so. If a maximum rate of 6 pies was to be fixed and enforced in all cases, the proprietors would be hit very hard.

With respect to the second part of the request, *viz.*, that the seat tax and the road cess should be reduced, he would go the length of suggesting that seat tax should be altogether abolished. Unless that was done, bus owners could never make a living. If for any reason it could not be abolished, then it should at least be calculated on the basis of the actual number of days of plying.

Bus owners had hoped that the reduction of the number of trips would naturally result in increased traffic on the particular days on which the buses actually plied. But experience had shown that it was not so. In their anxiety to secure a full load they would sometimes have to wait for long, so that on different days the buses ran at differ-

ent hours. On particular days when a full load was secured, they would be prosecuted for the slightest over-loading. In British India, he had heard that over-loading to the extent of 3 or 4 passengers had been permitted. He was earnestly in favour of similar permission being accorded to bus owners in Mysore also.

Mr. C. RAMASWAMI SETTY stated, with reference to the statement of the previous speaker, that bus owners never charged more than 6 pies per mile, that in one case the fare charged was so high as Re. 0-1-9 per mile.

Mr. S. RAMAPPA also represented that after the scheme of petrol rationing the fares in Kolar District had been raised very considerably. In the case of Rayalpad-Srinivasapur service, the fare had been raised from 10 annas to Re. 1, the reason attributed being that petrol was not available at all So, the necessity had arisen for Government to fix and enforce maximum rates.

As regards road cess, he said that it was being collected only according to the number of days on which a bus in question plied, so that there could be no grievance on the part of bus owners in that particular respect.

With regard to seat tax, however, he also agreed that it should be levied at half the amount previously collected, on the ground that buses were running for only 15 days in the month. If that was done, he hoped that proprietors could afford to charge fares at only 6 pies per mile. That would help both passengers and proprietors.

Mr. M. N. JOIS observed that the hardship complained of was entirely due to petrol rationing. Proprietors of buses complained that prices of buses and spare parts were ruling very high and therefore they could not help enhancing fares. Passengers felt that they could not afford to pay fares at the enhanced rates. Both the complaints, he said, were justified. If therefore the Government reduced the road cess and seat tax which they levied from the bus owners, they would reduce the burden on the passengers to a corresponding extent.

He argued that Government should not benefit at the cost of bus owners. They should levy the road cess and seat tax only on the basis of the number of days on which the buses actually plied; in other words, the amount collected from them should not be more than one-half of the amount collected in previous years.

The member then observed that the maximum rate of one anna was prescribed very long ago, when adequate bus facilities were not in existence. There could be no justification for keeping the maximum at that same level even at the present time when facilities had increased considerably.

He next invited attention to the difficulties of bus proprietors in putting in new buses for service in place of those which were more than 5 years old. New buses, as already brought to notice, were not available on account of war conditions. The Government should therefore extend the limit beyond 5 years. That would be no small help to the proprietors.

In conclusion, the member made a suggestion, with regard to the rationing of petrol, that some sort of distinction was called for as between short distance and long distance services. At present, about a half of the quantity originally consumed by each service was being issued irrespective of the distances to be covered by the buses. On account of the difficulty of procuring petrol, many of the buses had been provided with charcoal gas plants. That had resulted in much lower speed in the case of both short and long-distance journeys. It did not matter much in the former case, but in the latter, the inconvenience caused to passengers could not be adequately described at all. The member therefore requested that the use of charcoal gas plants for long-distance buses should not be permitted at all and that the full quantities of petrol required for running such buses ought to be made available to them.

Mr. S. I. MUMTAZ further supported the representation. He represented that bus fares were being raised from day to day, according to the demand for seats, and that only such of the passengers who meekly submitted to such arbitrary enhancements were getting

seats in the buses. It was therefore urgently necessary that Government should fix a definite maximum rate that any service could levy. The present limit fixed was not reasonable because a wide margin was given, even according to it, to the bus owners to alter the rates as suited their convenience.

Another point which the member urged was that in case any concession was extended to bus owners in respect of seat tax and road cess, similar concession would have to be extended to lorry owners also because the difficulties complained of were common to all of them.

Lastly, the member brought to notice that in the case of taxies which paid a lower vehicle tax, much more petrol was issued than to lorries which paid a higher vehicle tax, and pointed out that this distinction was most unfair.

Mr. Bhupalam R. CHANDRASEKHARAYYA observed that all the difficulties complained of by the foregoing speakers would disappear if petrol rationing was more evenly regulated. One point that was made out by all the members so far was that the road cess and seat tax should be reduced. This was a thing which Government could and should do. But there was another suggestion which the speaker wanted to make, *viz.*, that in the interests of national economy, fixing of gas plants for all buses and lorries should be permitted and encouraged, notwithstanding the inconvenience of lower speed. That would save lakhs of rupees for the country and the root cause of the trouble mentioned in the representation under consideration would be removed.

Mr. M. C. CHELUVIAH complained that drivers and conductors were collecting more than the permissible fares from passengers from intermediate stations and not making correct entries in the tickets issued by them. He therefore requested that instructions be issued to the effect that both mileage and the fares paid should be correctly entered in each ticket issued to passengers.

Mr. N. RAMA RAO observed that to people living at places not served by railway, bus services meant all that railway service meant to those who could enjoy it. Bus service, he remarked, was a public utility service. If bus service were not so useful as it really was, so many members would not have bothered themselves about it. One side of the case had been brought to notice sufficiently in the course of the present discussion. The other side was also worth considering. Though the maximum rates had been defined in the Act, bus owners were not always availing themselves of those rates, because of competition among bus owners themselves. They were really not in a position to dictate terms to passengers. The times now had changed. Prices of buses and spare parts had risen and were still rising. On that account bus owners could not make a fortune by running the service. All the same they had to do what they could to cover their expenses as also interest on the capital sunk. It cannot be said therefore that the bus owners were enhancing the fares indiscriminately. Because, the fact remained that the one-anna limit had not been availed of by most bus owners; and that was due to the prevalence of competition among the bus owners themselves.

Indications were that the coming days were bound to be still more difficult than the present. It was not possible to determine what the cost of maintenance of a bus would be in future. Conditions were in fact so uncertain that some of the bus owners had begun to feel that rather than submit themselves to all the restrictions and handicaps placed in their way, they might stop the services altogether. If, unfortunately, they should decide to do so, it was the general public who were going to suffer. Bearing these points in mind, it would be well if Government extended the utmost measure of generosity and sympathy to owners of buses which, as pointed out at the outset, were essentially public utility services.

Mr. Kadidal MANJAPPA GOWDA repeated the instance in which for a short distance of 36 miles, the fare collected

was as high as Rs. 1-8-0, and argued that if that was possible in one case, it ought to be equally possible in other cases also. Bus service, no doubt, was a public utility service, and it should be nobody's intention to place any undue hardships or obstacles in its way. All that was sought to be emphasized was that the rate of 6 pies per mile which was reasonable, should be prescribed as the maximum instead of one anna as at present.

In this connection, the member referred to a report which he had heard that meters would be fixed up to taxies and requested infofmation from Government whether there was any such proposal under consideration. If there was any truth in the rumour, he begged that fixing of meters be postponed for the present.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) replied to the debate. He said that three points had come up prominently in the discussion, *viz.*, that the maximum bus fare should be reduced to 6 pies, that seat tax should be reduced, and that road cess also should be reduced.

Dealing first with the last of the points, he explained, that there was no scope under the existing rules to reduce the road cess. Still, with effect from October 1941, Government had issued orders that the cess should be collected only on the basis of the mileage actually covered by each bus. He added that in the case of collections made for and subsequent to the month of September of that year, Government would also consider the question of refunding all excess collections.

As regards the second point also, it was not possible to make any reduction in the seat tax, according to the existing rules. The particular difficulty in the way of reducing the tax was that if a half of the prescribed amount was to be collected in cases where buses ran for 15 days in the month, claims for a similar *pro rata* levy might be preferred by buses which might happen to run only for 3 or 4 days in a particular month. Secondly, even in cases in which Government had ordered that a service should run on alternate days on account of petrol rationing, if it was found possible at a later date to issue supplemental coupons and if with the help thereof the bus concerned could run on 4 or 5 days in the week, there could be nothing to prevent such a thing being done. After all, seat tax was levied in lieu of the old vehicle tax. That meant that it could not be reduced.

With respect to the first point, *viz.*, reduction of the maximum fare to 6 pies per mile, he pointed out that if that was done on account of the present difficulty which in its very nature was a very temporary one, everybody concerned would have to regret it when conditions became normal. A better remedy seemed to be to restore daily services, in the interest of public convenience, if charcoal gas plants could be installed for use so long as sufficient quantities of petrol were not available.

There was another suggestion which the speaker would like to throw out, in the interests of bus owners and the travelling public alike. If by coming to an understanding among themselves, owners of buses decided to ply only in particular quarters, yielding place to others in other quarters, all unhealthy competition among them would be removed, and the seat tax would not become due for quarters during which they did not ply. Government could not recommend such action being taken by bus owners, because that would result in fall of revenue, but all the same, it would be a permissible action on the part of bus owners. If, therefore, they could come to such an understanding, their grievance would soon become a thing of the past. In such ways, whatever facilities and concessions could be shown, Government would be too glad to show in the interests, in the first instance, of bus owners and ultimately, of the public in general.

At 5-15 p.m., the House rose for the day to meet again at 11-30 a.m. on the following day.